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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,635	02/07/2001	Thomas J. Colson	822.000418	9591
24041	7590	11/05/2004	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			COLON, CATHERINE M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/778,635

**Applicant(s)**

COLSON ET AL.

**Examiner**

C. Michelle Colon

**Art Unit**

3623

KJW

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 February 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on February 7, 2001. Claims 1-30 are now pending in this application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-30 are rejected under 35 U.S.C. 102(a) as being anticipated by BountyQuest.

As per claim 1, BountyQuest discloses a method for collecting and communicating information related to validity of a patent over a global information network, comprising:

a) soliciting bounty hunters via a global information network for prior art related to validity of said patent (pages 1-5, 10 and 14; BountyQuest solicits bounty hunters for prior art by placing bounty posting on its website.);

b) receiving substantive information related to said validity of said patent from at least one of said bounty hunters in response to said solicitation (pages 15 and 16; Bounty hunters submit relevant information related to a bounty posting.); and,

c) sanitizing said substantive information (page 17; When BountyQuest receives information, it filters the data and keeps bounty hunters anonymous.).

As per claim 2, BountyQuest discloses the method of Claim 1 further comprising the step of submitting said sanitized substantive information to a bounty offeror (page 17; When BountyQuest receives information, it filters the data and keeps bounty hunters anonymous. The information is forwarded to the bounty offeror.).

As per claim 3, BountyQuest discloses the method of Claim 2 further comprising the step of paying a bounty to one of said bounty hunters a bounty when said received substantive information meets specific requirements (pages 13, 16 and 17; A bounty hunter is paid a bounty if the information meets certain requirements.).

As per claim 4, BountyQuest discloses the method of Claim 2 wherein said specific requirements are specified by said bounty offeror (pages 3-5 and 12-15; The requirements for the bounty hunter are specified by the poster.).

As per claim 5, BountyQuest discloses the method of Claim 1 wherein said sanitizing comprises removal of information related to publication of said substantive information (page 17).

As per claim 6, BountyQuest discloses the method of Claim 1 wherein said sanitizing comprises removal of information related to identity of the third party who submitted said substantive information (page 17; Bounty hunters' names are kept anonymous when their submissions are reviewed and possibly made public.).

As per claim 7, BountyQuest discloses the method of Claim 1 further comprising the step of time-stamping submissions of bounty hunters in response to said solicitation to determine chronological order of receipt (page 17).

As per claim 8, BountyQuest discloses the method of Claim 1 further comprising the step of comparing at least two submissions of substantive information received in response to said solicitation to determine if substantive information received from one of said bounty hunters differs from substantive information received from another of said bounty hunters (pages 13, 16 and 17; If multiple submissions are received, they are compared for the time they are received and for the substance of the information.).

As per claim 9, BountyQuest discloses the method of Claim 8 further comprising the step of submitting a plurality of sanitized substantive information disclosures to a bounty offeror when said comparison indicates that different substantive information has been received from at least two of said bounty hunters (pages 13, 16 and 17; If multiple submissions are received, they are compared for the time they are received and for the substance of the information.).

As per claim 10, BountyQuest discloses the method of Claim 9 further comprising the step of paying a bounty to at least one of said bounty hunters when certain requirements are met (pages 13, 16 and 17; A bounty hunter is paid a bounty if the information meets certain requirements.).

Claims 11-30 recite substantially similar limitations to claims 1-10 above. Therefore, claims 11-30 are rejected on the same basis as claims 1-10 above.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rossides (U.S. 6,131,085) discusses an answer collection and retrieval system with a pay-off meter;
- Barney et al. (U.S. 6,556,992) discusses a method and system for rating patents; and
- Carter (U.S. 6,665,656) discusses a method for evaluating documents with correlating information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

- 703-872-9306 [Official Communications; including After Final communications labeled "Box AF"]  
703-746-7202 [For status inquiries, draft communication, labeled "Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7<sup>th</sup> floor receptionist.

*CMC*  
cmc  
October 29, 2004

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600